

**REMARKS**

Claims 13, 18, and 69-235 are pending in the application. Claims 219 to 235 have been added. Claims 74, 78 to 85, 121, 131 to 140, 190 to 193, 208, 213, and 218 have been amended. Various claims have been amended to correct for typographical errors. Support for the other amendments lies in the specification through out, and on page 8, lines 25 to 28; page 14, lines 31 to 35; page 15, lines 1 and 2; page 19, lines 8 to 21; page 21, lines 31 to 33. No new matter is believed added.

Applicants acknowledge with appreciation the Office's indication of receipt and entry of their after-final Amendment, filed 26 November 2003, as well as the receipt of the Information Disclosure Statements filed 10 December 2003, 22 December 2003, and 24 March 2003.

**Rejections Under 35 U.S.C. § 112, second paragraph**

The Office rejected claims 79-85, 93, 138, 144-146, 151, 154-155, 158, 159, 162-163, 166, 168, 173-178, 190-193, 208, 213, and 218 for recitation of the term "foregoing." Applicants respectfully traverse this rejection.

The word foregoing has a generally accepted meaning of "going before" hence referring to the acids listed in the claim. However, in order to expedite prosecution Applicants have amended the claims herein to remove the term "foregoing".

The Examiner has commented that the term "<711> is not understood. Claims 173 to 177 contain this term in a phrase "as determined by the <711> Dissolution Test, Apparatus 2, provided in USP 23, 1995". The U.S. Pharmacopeia provides the designation of <711> as a Dissolution test method. Other designations, such as <701> are for disintegration or <724> for drug release. Apparatus 2 means it that the dissolution testing is done using the paddle method. The details of the dissolution are in the method used, and not in the designation USP<711>. Applicants enclose three pages from the current USP (available on line at <http://www.usp.org/pdf/EN/USPNF/chapter711.pdf> which describe generally the <711> Dissolution test. Consequently, it is not believed that use of the <711> designation is improper.

Claims 190 and 191 contain the phrase "(Formulation VI)" which the Examiner indicates should not be contained in brackets. While this is believed an acceptable format,

the claims have been amended accordingly. Claims 192 and 193 containing the phrase “(Formulation VII)” have also been amended.

Claim 208 sets a time frame for delivery of the formulation over a period of 7 to a period of 14 days for treatment. The Examiner states:

“Formulation VI” should not be in ( ). Claim 208 requires the method of 7-14 days. It is unclear if the method requires testing healthy volunteers everyday from the 7<sup>th</sup> through the 14<sup>th</sup> day, on what basis to begin counting to arrive at 7<sup>th</sup> day, or whether the method constitutes administering the composition every 12 hours for at least 7 but not more than 14 days, or administering once daily for 7 to 14 days, or determining that the method is repeated-administering the composition, on the 7<sup>th</sup> day following we know not what.

The specification is quite clear as to what a 7 to 14 day duration of treatment time frame means. See Page 8, lines 5 to 27: “The duration of therapy will generally between 7 and 14 days, typically 7 days for indications such as acute exacerbations of chronic bronchitis but 10 days for acute bacterial sinusitis.”

The method claims are directed toward treatment of a human in need thereof. It does not contemplate the testing of healthy volunteers. The claims are read in light of the specification and the ordinary person in this instance. It is believed that this statement is quite clear. However, again to order to expedite prosecution the claims have been amended to indicate that the method is a duration of treatment time being from 7 to 14 days.

Claim 138 is stated as having “unclear antecedent” basis for “the release phase & dosage units” as they are not clearly identified. Claim 138 (and claims 139 and 140) all contain this phrase. The actual phrase is “wherein the first release phase is in at least one dosage unit and the second release phase is in at least one other dosage unit”. In other words the “whole dosage” is the combination of first release and second release phases as described in the specification. In this instance the “solid form composition”, e.g. the whole dosage form, contains two separate unit dose forms (e.g. multiple dosage forms) each of which incorporates a release phase. Such a dosage form can be a bilayer tablet when the release phases are distinct, separate unit doses. While it is believed that the claims did not lack antecedent basis, they have been amended to more particularly point out and distinctly claim the invention.

In view of these remarks and amendments, reconsideration and withdrawal of the rejection to the claims under 35 USC §112 is respectfully requested.

### **Obviousness-Type Double Patenting Rejections**

The Office has asserted five rejections under the judicially created doctrine of obviousness-type double patenting. Applicants describe and respond to each below.

The Office rejected claims 13, 18, and 69-218 as being unpatentable over claims 1-133 of U.S. Patent No. 6,783,773, asserting that the “compositions of the patent are immediately envisioned as to be given as oral medications to humans to release in the aqueous environment of the gastro-intestinal tract.” *See* Action at 2-3. Although Applicants continue to believe that the present claims are patentably distinct over the recited claims in the co-pending case, Applicants submit herewith a terminal disclaimer to facilitate allowance of the present application.

Next, the Office rejected claims 13, 18, and 69-218 as being unpatentable over claims 1-93 of U.S. Patent No. 6,878,386, asserting that the presently recited use is “virtually the same” as the patent claims. *See* Action at 3. Although Applicants continue to believe that the present claims are patentably distinct over the recited claims in the co-pending case, Applicants submit herewith a terminal disclaimer to facilitate allowance of the application.

The Office also rejects claims 13, 18, and 69-218 as being unpatentable over claims 1-18 of U.S. Patent Nos. 6,136,345 or 6,358,528 to Grimm [sic, Grimmer] in view of PDR and U.S. Patent No. 6,214,359 to Bax, asserting that Grimmer “provides the tablets”, “PDR delineates use”, and “Bax shows the equivalence of amoxicillin forms.” *See* Action at 3.

Applicants respectfully traverse. Far from “providing the tablets” of the presently claimed invention, Grimmer claims a particular tablet formulation in which amoxicillin (described only as amoxicillin trihydrate, not a soluble salt of amoxicillin) is in a “central core” and, together with clavulanate, is in an outer “casing layer”. The central core is surrounded by an enteric coating layer in all three patents. The present invention does not require an enteric coating in order to achieve differential rates of release from the first and second release phases.

There is no discussion of at least one “pharmaceutically acceptable organic acid” in Grimmer, only a single mention of “stearic acid” as an alternative lubricant to “magnesium stearate (col. 2, lines 58-59). Moreover, there is absolutely no reference, in the claims or

the specification, to an organic acid that is “admixed in intimate contact [with amoxicillin] at a ratio of from 20:1 to 1:2.” Accordingly, the present invention simply does not provide “an improper timewise extension of the right to exclude” of Grimmer, regardless of any teaching in the PDR on “use” nor any discussion in Bax of amoxicillin forms. The Examiner does not point out with particularity which version and pages of the Physician’s Desk Reference is being used, and more importantly which monograph is being used against the claimed subject matter herein. The PDR reference does not appear on a PTO-892 form and Applicants did not receive any photocopied pages thereof.

The Bax reference does not concern orally administerable tablet formulations of amoxicillin/clavulanate. Bax is directed to pediatric dosages of powder formulations of amoxicillin trihydrate and clavulanate for reconstitution as an aqueous suspension. It is unclear from the record how Bax is a showing of equivalence of amoxicillin forms. IN this instance, the powder for reconstitution into a suspension provides solely for an immediate release product. For at least these reasons, Applicants respectfully request the Office to withdraw this rejection.

The Office has provisionally rejected claims 13 and 69-218 as being unpatentable over claims 1-67 of co-pending Application 10/115,700, now allowed as US Patent No. 6,746,692, asserting that “‘700 provides the instant dose forms, in essence, yet does not recite each limitation” but that it would be “obvious to peruse all ‘700 claims” and arrive at the modes instantly claimed. *See* Action at 3-4. Although this is a provisional rejection and Applicants continue to believe that the present claims are patentably distinct over the recited claims in the co-pending case, Applicants submit herewith a terminal disclaimer to facilitate allowance of the application.

Finally, the Office provisionally rejected claims 13, 70-172, and 194-203 as being unpatentable over claims 1-22 of co-pending Application 09/974,596, which has now issued as U.S. Patent No. 7,011,849, asserting that the “compositions are useful as antibacterial dosage forms, immediately envisioned as daily administered to a patient in need thereof.” *See* Action at 4. Although Applicants continue to believe that the present claims are patentably distinct over the recited claims in the co-pending case, Applicants submit herewith a terminal disclaimer to facilitate allowance of the application.

To ensure that the Office has a clear understanding of the relationship between the pending applications and issued patents and others of the Assignee's cases, Applicants provide the following relationship chart:

<b>US Application No</b>	<b>US Pat No</b>	<b>Examiner</b>	<b>GSK No</b>
USSN 09/544,019	6,878,386	R. Bennett	P32554
USSN 10/115,700	6,746,692	R. Bennett	P32554 D1
USSN 10/863,197		T. Page	P32554 D2
USSN 10/863,031		T. Page	P32554 C1
USSN 09/544,417	6,294,199	R. Bennett	P32555
USSN 09/911,905	6,660,299	R. Bennett	P32555 D1
USSN 09/681,055		J. Vu	P32555D2
<b>USSN 09/689,483 **</b>		R. Bennett/N. Levy	P32685
USSN 09/971,560	6,783,773	R. Bennett	P32685C1
USSN 10/870,818		M. Young	P32685C2
USSN 09/974,596	7,011,849	M. Young	P32687
USSN 10/462,066	6,756,057	M. Young	P32688C1

\*\* This application

In addition to the cases set forth above, Applicants also hereby submit terminal disclaimers over pending applications 10/863,197; 10/863,031; and 10/870,818. Applicants submit these terminal disclaimers solely to facilitate allowance of the application, believing, as above, that the present claims are patentably distinct over the recited claims in these co-pending cases. Finally, Applicants also bring to the attention of the Office issued U.S. Patent Nos. 6,294,199, 6,660,299, and 6,756,057 also included on the chart.

Accordingly, Applicants believe that the present claims are patentable in view of these patent documents and respectfully requests that the Office withdraw each of these rejections.

**Rejections Under 35 U.S.C. § 102**

In addition, the Office asserted four rejections of the pending claims under Section 102.

In the first, the Office rejected claims 13, 70-78, 97-102, 104-113, 123-126, 131, 132, 134, 135, 137, 138, 140-143, 150, 151, 153, 156, 157, 161, 165, 167, 169, 170, 195, and 200-202 under Section 102(e) as anticipated by Grimm et al, in either U.S. Patent Nos. 6,136,345 or 6,358,528. As above, the Office contends that Grimm discloses “the instant tablets” with stearic acid and the “instant polymers” used as the treatment for bacterial infections. *See* Action at 6.

Applicants respectfully traverse. Far from disclosing “the instant tablets,” Grimm discloses only amoxicillin trihydrate, not a soluble salt of amoxicillin. There is no discussion of “pharmaceutically acceptable organic acids,” but instead only a single mention of “stearic acid” as an alternative lubricant to “magnesium stearate (col. 2, lines 58-59). Moreover, there is absolutely no reference to an organic acid that is “admixed in intimate contact [with amoxicillin] at a ratio of from 20:1 to 1:2.” Additionally, Grimm et al. uses a release –retarding coating to provide sustained release for the central core active agents. Specifically, the central core is surrounded by an “enteric polymer coating” in all three patents. The present invention does require the use of an enteric coating in order to achieve differential rates of release from the first and second release phases as claimed herein.

The Examiner appears to be stating that by the mere mention of stearic acid as an alternative lubricant [in Grimm] that it is present in a sufficient amount to meet the required ratio in claim 13 of 20:1 to 1:2. This disclosure is absent in Grimm along with the requirement that the amoxicillin in the second release phase is a soluble salt of amoxicillin. Further, the Examiner points to Grimm for “the instant polymer (col. 8)” being used. The Examiner has not pointed out with particularity what polymer in this column is anticipating the claimed subject matter. The enteric coating in Column 8, lines 15 to 25 is not claimed in the dosage form as described herein. If the Examiner is referring to the casing layer components at the top of Column 8, lines 1 to 9, it is not seen how this has any bearing on claimed subject matter. Magnesium stearate and microcrystalline

cellulose are standard tableting excipients. With respect to the use claims of Grimm et al. in the 6,358,528 patent, they are dependent upon the formulation claims therein.

For these reasons, Applicants respectfully request the Office to withdraw this rejection.

Next, the Office rejected claims 13, 18, 70, 72-85, 97-102, 104-126, 131-141, 143, 144, 148, 156-158, 161, 162, 167, 170, 195, and 199-203 under Section 102(b) as anticipated by Burch, WO 97/09042. The Office asserts that Example 1, with succinic acid, amoxicillin, and clavulanate, teaches the claimed use. *See* Action at 6.

Applicants respectfully traverse. The claims, claims 13, 204 and 205 all recite that the organic acid is “admixed in intimate contact [with amoxicillin] at a ratio of from 20:1 to 1:2.” Example 1 of Burch provides for 600 mg of amoxicillin free acid (697 mg of amoxicillin trihydrate) and 0.835 mg of succinic acid. This yields a ratio of 1:0.00139, well outside the recited range. Even if one were to take twenty times the amount of succinic acid, e.g.  $0.835 \times 20 = 16.7$  mg, the ratio of amoxicillin to acid would be 1:0.28, and this is still outside the recited range in the claims. For at least this reason, Applicants respectfully request the Office to withdraw this rejection.

Thereafter, the Office rejects claims 13, 70, 72-78, 97-102, 104, 107, 109-112, 123, 126, 131-132, 134, 135, 137, 141-143, 156, 157, 170, and 200-202 under Section 102(b) as anticipated by Rivett et al., WO 96/04908. The Office believes that Rivett teaches dual release with stearic acid and the recited polymers. Applicants again respectfully traverse because Rivett does not provide or even suggest the element of a pharmaceutically acceptable organic acid “admixed in intimate contact [with amoxicillin] at a ratio of from 20:1 to 1:2.” The Office correctly notes the disclosure of stearic acid but, as in Grimm et al., there is only a single mention of “stearic acid” as an alternative lubricant to “magnesium stearate (page 2, lines 32-33). Indeed, each of the examples uses magnesium stearate, not the acid (stearic acid). Moreover, there is absolutely no reference to an organic acid that is “admixed in intimate contact [with amoxicillin] at a ratio of from 20:1 to 1:2.” There is also no reference to use of a soluble salt of amoxicillin as required in the second release phase of the claims. For at least this reason, Applicants respectfully request the Office to

withdraw this rejection. For at least this reason, Applicants respectfully request the Office to withdraw this rejection.

Finally, the Office rejects claims 13, 18, and 69-218 under Section 102(a) as anticipated by or, in the alternative, under Section 103(a) as obvious over Mention et al., WO 98/35672. Applicants respectfully traverse. As with the references discussed above, the absence of an organic acid that is “admixed in intimate contact [with amoxicillin] at a ratio of from 20:1 to 1:2” is sufficient to dispel any use of Mention under Section §102.

As for obviousness under Section 103(a), the discussion of citric acid in Mention is only in terms of its being one-half of an effervescent couple. *See* page 7, lines 1-9, and page 11, line 23 to page 12, line 19. Moreover, there is absolutely nothing in these paragraphs on the organic acid being “admixed in intimate contact” with amoxicillin. As discussed in detail in the earlier phases of this case, the “intimate contact” provides a confined environment for a micro-reaction of the organic acid and the soluble amoxicillin salt that leads to a lattice network of needle-like crystals that unexpectantly provides for modified release of amoxicillin. *See* Response filed 22 November 2002, at pages 22-24. Indeed, Applicants’ representatives provided a video demonstration of this effect during the interview of 10 September 2002. For at least these reasons, the rejections under 35 USC §102 and §103 over Mention et al. should be withdrawn.

### **Conclusion**

As set forth above, Applicants have addressed the Office’s rejections under Section §112 by amendment and/or further explanation, the rejections of obviousness-type double patenting by either the submission of Terminal Disclaimers or an explanation of why a Terminal Disclaimer is not needed, and the rejections under Section 102/103 by focusing the Office’s attention on certain claim limitations. In light of the foregoing, Applicants respectfully request the issuance of a Notice of Allowance on claims 13, 18 and 69-218.

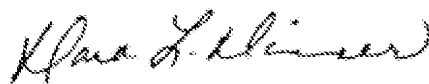
Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. It is not believed that this paper should cause any additional fees or charges to be required, other than



expressly provided for already. However, if this is not the case, the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Dated: 22 June 2006

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dara L. Dinner".

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## 〈711〉 DISSOLUTION

This test is provided to determine compliance with the dissolution requirements where stated in the individual monograph for a tablet or capsule dosage form. Of the types of apparatus described herein, use the one specified in the individual monograph. Where the label states that an article is enteric-coated, and a dissolution or disintegration test that does not specifically state that it is to be applied to enteric-coated articles is included in the individual monograph, the test for *Delayed-Release Articles* under *Drug Release* 〈724〉 is applied unless otherwise specified in the individual monograph. For hard or soft gelatin capsules and gelatin-coated tablets that do not conform to the *Dissolution* specification, repeat the test as follows. Where water or a medium with a pH of less than 6.8 is specified as the *Medium* in the individual monograph, the same *Medium* specified may be used with the addition of purified pepsin that results in an activity of 750,000 Units or less per 1000 mL. For media with a pH of 6.8 or greater, pancreatin can be added to produce not more than 1750 USP Units of protease activity per 1000 mL.

**USP Reference Standards** 〈11〉—*USP Prednisone Tablets RS* (*Dissolution Calibrator; Disintegrating*). *USP Salicylic Acid Tablets RS* (*Dissolution Calibrator; Nondisintegrating*).

**Apparatus 1**—The assembly consists of the following: a covered vessel made of glass or other inert, transparent material<sup>1</sup>; a motor; a metallic drive shaft; and a cylindrical basket. The vessel is partially immersed in a suitable water bath of any convenient size or placed in a heating jacket. The water bath or heating jacket permits holding the temperature inside the vessel at  $37 \pm 0.5^\circ$  during the test and keeping the bath fluid in constant, smooth motion. No part of the assembly, including the environment in which the assembly is placed, contributes significant motion, agitation, or vibration beyond that due to the smoothly rotating stirring element. Apparatus that permits observation of the specimen and stirring element during the test is preferable. The vessel is cylindrical, with a hemispherical bottom and with one of the following dimensions and capacities: for a nominal capacity of 1 L, the height is 160 mm to 210 mm and its inside diameter is 98 mm to 106 mm; for a nominal capacity of 2 L, the height is 280 mm to 300 mm and its inside diameter is 98 mm to 106 mm; and for a nominal capacity of 4 L, the height is 280 mm to 300 mm and its inside diameter is 145 mm to 155 mm. Its sides are flanged at the top. A fitted cover may be used to retard evaporation<sup>2</sup>. The shaft is positioned so that its axis is not more than 2 mm at any point from the vertical axis of the vessel and rotates smoothly and without significant wobble. A speed-regulating device is used that allows the shaft rotation speed to be selected and maintained at the rate specified in the individual monograph, within  $\pm 4\%$ .

<sup>1</sup> The materials should not sorb, react, or interfere with the specimen being tested.

<sup>2</sup> If a cover is used, it provides sufficient openings to allow ready insertion of the thermometer and withdrawal of specimens.

Shaft and basket components of the stirring element are fabricated of stainless steel, type 316 or equivalent, to the specifications shown in *Figure 1*. Unless otherwise specified in the individual monograph, use 40-mesh cloth. A basket having a gold coating 0.0001 inch (2.5  $\mu\text{m}$ ) thick may be used. The dosage unit is placed in a dry basket at the beginning of each test. The distance between the inside bottom of the vessel and the basket is maintained at  $25 \pm 2$  mm during the test.

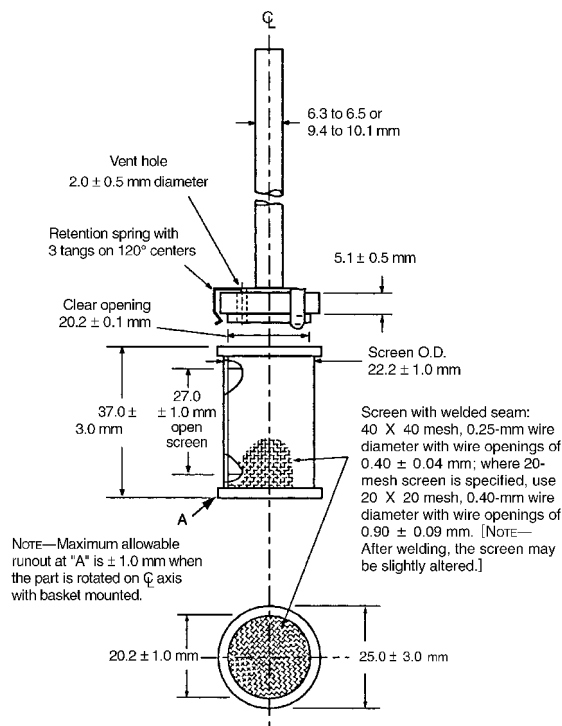


Fig. 1. Basket Stirring Element

**Apparatus 2**—Use the assembly from *Apparatus 1*, except that a paddle formed from a blade and a shaft is used as the stirring element. The shaft is positioned so that its axis is not more than 2 mm at any point from the vertical axis of the vessel and rotates smoothly without significant wobble. The vertical center line of the blade passes through the axis of the shaft so that the bottom of the blade is flush with the bottom of the shaft. The paddle conforms to the specifications shown in *Figure 2*. The distance of  $25 \pm 2$  mm between the blade and the inside bottom of the vessel is maintained during the test. The metallic or suitably inert, rigid blade and shaft comprise a single entity. A suitable two-part detachable design may be used provided the assembly remains firmly engaged during the test. The paddle blade and shaft may be coated with a suitable inert coating. The dosage unit is allowed to sink to the bottom of the vessel before rotation of the blade is started. A small, loose piece of nonreactive material such as not more than a few turns of wire helix may be attached to dosage units that would otherwise float. Other validated sinker devices may be used.

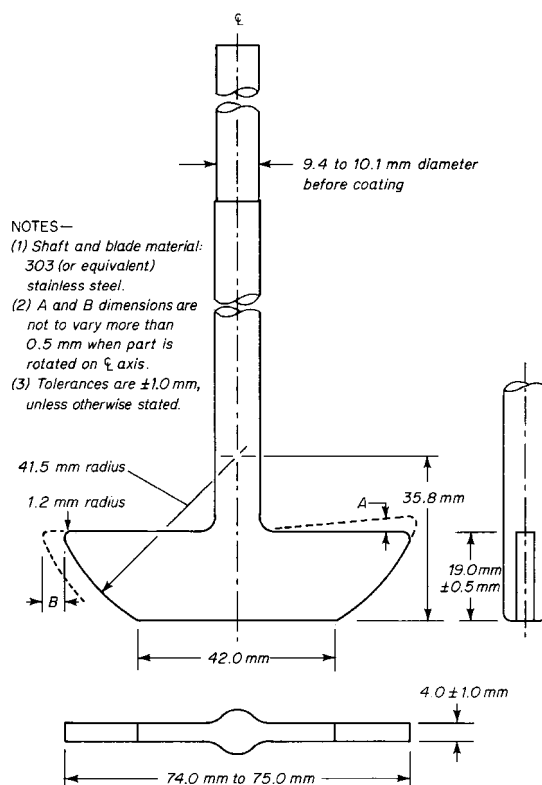


Fig. 2. Paddle Stirring Element

**Apparatus Suitability Test**—Individually test 1 tablet of the *USP Dissolution Calibrator, Disintegrating Type* and 1 tablet of *USP Dissolution Calibrator, Nondisintegrating Type*, according to the operating conditions specified. The apparatus is suitable if the results obtained are within the acceptable range stated in the certificate for that calibrator in the apparatus tested.

**Dissolution Medium**—Use the solvent specified in the individual monograph. If the *Dissolution Medium* is a buffered solution, adjust the solution so that its pH is within 0.05 unit of the pH specified in the individual monograph. [NOTE—Dissolved gases can cause bubbles to form, which may change the results of the test. In such cases, dissolved gases should be removed prior to testing.<sup>3</sup>]

**Time**—Where a single time specification is given, the test may be concluded in a shorter period if the requirement for minimum amount dissolved is met. If two or more times are specified, specimens are to be withdrawn only at the stated times, within a tolerance of  $\pm 2\%$ .

**Procedure for Capsules, Uncoated Tablets, and Plain Coated Tablets**—Place the stated volume of the *Dissolution Medium* ( $\pm 1\%$ ) in the vessel of the apparatus specified in the individual monograph, assemble the apparatus, equilibrate the *Dissolution Medium* to  $37 \pm 0.5^\circ$ , and remove the thermometer. Place 1 tablet or 1 capsule in the apparatus, taking care to exclude air bubbles from the surface of the dosage-form unit, and immediately operate the apparatus at the rate specified in the individual monograph. Within the time interval specified, or at each of the times stated, withdraw a specimen from a zone midway between the surface of the *Dissolution Medium* and the top of the rotating basket or blade, not less than 1 cm from the vessel wall. [NOTE—Replace the aliquots withdrawn for analysis with equal volumes of fresh *Dissolution Medium* at  $37^\circ$  or, where it can be shown that replacement of the medium is not necessary, correct for the volume change in the calculation. Keep the vessel covered for the duration of the test, and verify the temperature of the mixture under test at suitable times.] Perform the analysis as directed in the

<sup>3</sup> One method of deaeration is as follows: Heat the medium, while stirring gently, to about  $41^\circ$ , immediately filter under vacuum using a filter having a porosity of 0.45  $\mu\text{m}$  or less, with vigorous stirring, and continue stirring under vacuum for about 5 minutes. Other validated deaeration techniques for removal of dissolved gases may be used.

individual monograph<sup>4</sup>. Repeat the test with additional dosage form units.

If automated equipment is used for sampling and the apparatus is modified, validation of the modified apparatus is needed to show that there is no change in the agitation characteristics of the test.

Where capsule shells interfere with the analysis, remove the contents of not fewer than 6 capsules as completely as possible, and dissolve the empty capsule shells in the specified volume of *Dissolution Medium*. Perform the analysis as directed in the individual monograph. Make any necessary correction. Correction factors greater than 25% of the labeled content are unacceptable.

**Procedure for a Pooled Sample for Capsules, Uncoated Tablets, and Plain Coated Tablets**—Use this procedure where *Procedure for a Pooled Sample* is specified in the individual monograph. Proceed as directed under *Procedure for Capsules, Uncoated Tablets, and Plain Coated Tablets*. Combine equal volumes of the filtered solutions of the six or twelve individual specimens withdrawn, and use the pooled sample as the test solution. Determine the average amount of the active ingredient dissolved in the pooled sample.

**Interpretation—**

*Unit Sample*—Unless otherwise specified in the individual monograph, the requirements are met if the quantities of active ingredient dissolved from the units tested conform to the accompanying *Acceptance Table*. Continue testing through the three stages unless the results conform at either S<sub>1</sub> or S<sub>2</sub>. The quantity, *Q*, is the amount of dissolved active ingredient specified in the individual monograph, expressed as a percentage of the labeled content; the 5%, 15%, and 25% values in the *Acceptance Table* are percentages of the labeled content so that these values and *Q* are in the same terms.

Acceptance Table		
Stage	Number Tested	Acceptance Criteria
S <sub>1</sub>	6	Each unit is not less than $Q + 5\%$ .
S <sub>2</sub>	6	Average of 12 units ( $S_1 + S_2$ ) is equal to or greater than $Q$ , and no unit is less than $Q - 15\%$ .
S <sub>3</sub>	12	Average of 24 units ( $S_1 + S_2 + S_3$ ) is equal to or greater than $Q$ , not more than 2 units are less than $Q - 15\%$ , and no unit is less than $Q - 25\%$ .

*Pooled Sample*—Unless otherwise specified in the individual monograph, the requirements are met if the quantities of active ingredient dissolved from the pooled sample conform to the accompanying *Acceptance Table for a Pooled Sample*. Continue testing through the three stages unless the results conform at either S<sub>1</sub> or S<sub>2</sub>. The quantity, *Q*, is the amount of dissolved active ingredient specified in the individual monograph, expressed as a percentage of the labeled content.

Acceptance Table for a Pooled Sample		
Stage	Number Tested	Acceptance Criteria
S <sub>1</sub>	6	Average amount dissolved is not less than $Q + 10\%$ .
S <sub>2</sub>	6	Average amount dissolved ( $S_1 + S_2$ ) is equal to or greater than $Q + 5\%$ .
S <sub>3</sub>	12	Average amount dissolved ( $S_1 + S_2 + S_3$ ) is equal to or greater than $Q$ .

<sup>4</sup> If test specimens are filtered, use an inert filter that does not cause adsorption of the active ingredient or contain extractable substances that would interfere with the analysis.